

1 KEVIN V. RYAN (CSBN 118321)  
United States Attorney

2 EUMI L. CHOI (WVBN 0722)  
Chief, Criminal Division

4 SUSAN R. JERICH (CSBN 188462)  
Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055  
6 San Francisco, California 94102  
7 Telephone: (415) 436-7158  
Facsimile: (415)436-7234

8 Attorneys for Plaintiff

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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA, ) No. CR 06-113 PJH  
14 Plaintiff, ) STIPULATION AND [PROPOSED]  
15 v. ) PROTECTIVE ORDER RE: DISCOVERY  
16 CLEMENT CHAN, ) OF CHILD PORNOGRAPHY  
17 Defendant. ) SAN FRANCISCO VENUE  
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20 With the agreement of the parties, and with the consent of the defendant, the Court enters the  
21 following order:

22 Defendant is charged with certain offenses pertaining to the transportation and possession of  
23 child pornography, in violation of 18 U.S.C. § 2252. The United States will produce to counsel  
24 for the defendant in this case discovery, including digital media, that contains images of child  
25 pornography. Pursuant to the child victim privacy provisions of 18 U.S.C. § 3509(d) and Federal  
26 Rule of Criminal Procedure 16, the United States requests that disclosure of these materials be  
27 subject to the following restrictions:  
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1. Except when being actively examined for the purpose of the preparation of the defense of

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1 defendant Clement Chan, the digital and/or paper media produced by the United States to  
2 defense counsel, Mr. Garrick Lew, shall be maintained in a locked, safe, and secure  
3 drawer, cabinet, or safe which is accessible only to Mr. Lew, members of his trial  
4 preparation team working with him to prepare Mr. Chan's defense, and his investigator.  
5 Mr. Lew, members of his trial preparation team, and the investigator shall not permit any  
6 person access of any kind to the digital and/or paper media or information related to child  
7 victims except as set forth below.

- 8 2. The following individuals may examine the digital and/or paper media for the sole  
9 purpose of preparing the defense of defendant Clement Chan and for no other purpose:
  - 10 a. Counsel for the defendant, Garrick Lew ;
  - 11 b. Persons employed by the law office of Garrick Lew who are assisting with the  
12 preparation of Clement Chan's defense;
  - 13 c. Defendant Clement Chan, but only in the presence of his attorney;
  - 14 d. Any expert(s) retained on behalf of defendant Clement Chan to assist in the  
15 defense of this matter; and
  - 16 e. Any investigator(s) retained on behalf of defendant Clement Chan to assist in the  
17 defense of this matter.
- 18 3. A copy of this order shall be maintained with the digital and/or paper media at all times.
- 19 4. All individuals other than Mr. Lew and Clement Chan who receive access to the materials  
20 pursuant to this Order, prior to receiving access to the materials, shall sign a copy of this  
21 Order acknowledging that:
  - 22 a. They have reviewed the Order;
  - 23 b. They understand all its contents;
  - 24 c. They agree that they will only access the digital media for the purposes of  
25 preparing a defense for defendant Clement Chan;
  - 26 d. They will not make any copies of any image files within the digital media without  
27 further order of the Court;
  - 28 e. They will not access the digital media from any computer that is connected to the

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1 Internet or to any local network; and

2 f. They understand that failure to abide by this Order may result in sanctions by this  
3 Court and in state or federal criminal charges for possession or dissemination of  
4 child pornography.

5 Counsel for Clement Chan, Mr. Lew, shall promptly file signed copies of the Order, ex  
6 parte and under seal. The United States shall have no access to these signed copies  
7 without further order of the District Court.

- 8 5. No other person may be allowed to examine the material without further court order.  
9 Examination of the digital and/or paper media shall be done in a secure environment  
10 which will not expose the materials to other individuals not listed above.
- 11 6. No copies of any image files contained in the digital and/or paper media may be made  
12 without further court order. The prohibition on copying includes (1) printing out images  
13 onto paper or film and (2) duplicating the images in any digital format. Non-image files  
14 such as word processing files, e-mails, and other text files may be duplicated to the extent  
15 necessary to prepare the defense of this matter.
- 16 7. The computer from which the digital media will be accessed shall not be connected to the  
17 Internet or to any other computer network.
- 18 8. Any pleadings that include or make reference to the above-described materials or their  
19 contents shall be filed under seal.
- 20 9. Within five court days of the judgment and sentencing hearing in this matter, all material  
21 provided to defense counsel pursuant to this Order, and all other authorized copies, if any,  
22 shall be returned to the United States. The United States shall destroy them. If defendant  
23 believes that he must maintain the material for any reasons related to appeal, defendant  
24 must seek authorization from the District Court within five days of the sentencing and  
25 judgment in this matter.

1 SO STIPULATED:

2 KEVIN V. RYAN  
3 United States Attorney

4 Dated: 4/5/06

5 By: \_\_\_\_\_ /s/  
6 SUSAN REED JERICHE  
7 Assistant United States Attorney

8 Dated: 4/5/06

9 \_\_\_\_\_ /s/  
10 GARRICK LEW  
11 Attorney for Defendant

12 IT IS SO ORDERED that disclosure of the above-described discovery materials shall be  
13 restricted as set forth above.

14 Dated: 4/7/06



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